

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VERONICA REID,

Plaintiff,

-against-

THE TANDYM GTOUP, LLC, et al.

Defendants.

JOHNINE SUMPTER,

Plaintiff,

-against-

NEW YORK CITY HEALTH AND
CORPORATIONS CORPORATION
d/b/a NYC HEALTH + HOSPITALS, et
al.

Defendants.

CONSOLIDATED CASES

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/12/2023

22-CV-469 (PGG) (BCM)

**ORDER RE CONSOLIDATED
PROCEEDINGS**

22-CV-8176 (PGG)(BCM)

BARBARA MOSES, United States Magistrate Judge.

By order dated February 16, 2023 (Dkt. 51 in No. 22-CV-469; Dkt. 73 in No. 22-CV-8176), the above-titled actions were consolidated, and The Tandym Group, LLC (Tandym), previously a defendant only in No. 22-CV-469, was granted leave to intervene in No. 22-CV-8176. Both cases are now assigned to the Hon. Paul G. Gardephe, United States District Judge, and the undersigned Magistrate Judge, and both are referred to the Magistrate Judge for general pretrial management, including scheduling, discovery, non-dispositive pretrial motions, and settlement, pursuant to 28 U.S.C. § 636(b)(1)(A). All pretrial motions and applications, including those related to scheduling and discovery (but excluding motions to dismiss or for judgment on the pleadings, for injunctive relief, for summary judgment, or for class certification under Fed. R. Civ. P. 23) must be made to

Judge Moses and in compliance with this Court's Individual Practices in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

Going forward:

1. The Docket in No. 22-CV-8176 is Closed

This Order will be the last paper docketed in No. 22-CV-8176, which will be marked closed. All future filings shall be docketed only in the low-numbered case, No. 22-CV-469. Filings shall bear both captions (as shown above), but shall display only the consolidated docket number, that is, No. 22-CV-469.¹

2. The Stay of No. 22-CV-469 is Lifted

By order dated July 13, 2022 (Dkt. 35 in No. 22-CV-469), No. 22-CV-469 was stayed. The stay is hereby LIFTED. However, defendants' obligation to answer or otherwise respond to the complaint is EXTENDED until 14 days after the Court has ruled on defendants' motions to compel arbitration, discussed below.

3. Pending Motions in No. 22-CV-469

The Court notes that there are three pending motions to compel arbitration, each addressed to a different plaintiff or opt-in plaintiff. (Dkts. 21, 55, and 57 in No. 22-CV-469.) Additionally, plaintiffs have filed a motion for conditional certification of an FLSA collective. (Dkt. 71 in No. 22-CV-469.) The Court will hear argument on the motions to compel arbitration on **June 29, 2023, at 11:00 a.m.** in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. The collective certification motion is administratively DENIED without prejudice to refiling if the motions to compel arbitration are denied.

¹ In the event the motions to compel arbitration (*see ¶ 3 of this Order*) are denied, the Court will require the parties to consolidate the pleadings, in which case only a single caption will be needed.

4. Pending Motions in No. 22-CV-8176

The motion to dismiss or stay No. 22-CV-8176 in favor of the first-filed action (Dkt. 27 in No. 22-CV-8176) is DENIED as moot in light of the consolidation of these actions. The more recent letter-motion seeking a "protective order" in the form of a stay of No. 22-CV-8176 pending the outcome of the motions to compel arbitration (Dkt. 84 in No. 22-CV-8176) is DENIED as moot in light of the denial without prejudice of the collective certification motion.

The Clerk of Court is respectfully directed to close the motions at Dkts. 12, 27 and 84 in No. 22-CV-8176 and to mark that action as CLOSED.

The Clerk of Court is further directed to close the motion at Dkt. 71 in No. 22-CV-469.

Dated: New York, New York
May 12, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge